IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4921 of 2005

Between:

Arun Kumar, s/o Sri Shiv Dayal,
r/o H.No.6-1-943, Khairatabad, Hyderabad.

... PETITIONER

AND

1 Municipal Corporation of Hyderabad, rep., by its Commissioner, having Head Office at Tank Bund, Basheerbagh, Hyderabad.
2 B.Siddardha Kumar, s/o B.Nageshwara Rao,
r/o Flat No.101, Sri Sai Residency H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.
3 S.Reddy Krishna Murthy, s/o late Subbarayudu,
r/o Flat No.103, Sri Sai Residency H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.
4 S.Suryaprakash, s/o S.Venkaiah,
r/o Flat No.201, Sri Sai Residency, H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.
5 P.Vikram Shaw, s/o P.Ramashew,
r/o Flat No.203, Sri Sai Residency, H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.
6 K.Ram Mohan Rao, s/o K.Venkata Rangaiah,
r/o Flat No.302, Sri Sai Residency, H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.
7 M.V.B.G.Tilak, s/o M.V.N.Swamy,
r/o Flat No.303, Sri Sai Residency, H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.
8 Smt.G.M.Shantha, w/o Kumar,
r/o Flat No.402, Sri Sai Residency, H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.
9 B.Sridhar Babu, s/o B.Sivaramakrishna,
r/o Flat No.501, Sri Sai Residency, H.No.6-1-690 to 972, Opp:Public Library, Khairatabad, Hyderabad.

10. A.Siva Prasad, s/o Badavapurnaiah,
r/o Flat No.503, Sri Sai Residency, H.No.6-1-690 to 972 Opp;Public Library, Khairatabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction, directing the respondent No.1 to take action and remove the unauthorized constructions of extra sixth floor, two rooms in parking area and also the unauthorized projection of balconies projected into mandatory open spaces in all the floors above the stilt i.e., first to fifth floors and also other deviations, and also to dismantle the structures in the totlot area and other deviations made against the sanction plan in 'Sri Sai Residency' Premises bearing Municipal No.6-1-954 to 977, admeasuring 623.98 sq.mts.situated at Opp:public Library, Khairatabad, Hyderabad in the interest of justice.

Counsel for the Petitioner: MR.B.V.V.S.MURTHY

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the first-respondent-Municipal Corporation in considering the representation made by the petitioner dated 28-02-2005 complaining about certain unauthorized constructions being made by the respondents 2 to 10 in bearing Municipal No.6-1-954 to 974 opposite to Public Library, Kahiratabad, Hyderabad.

Having heard the learned counsel for the petitioner, the learned standing counsel appearing for the first respondent-Muncipal Corporation and having regard to the nature of the controversy involved in the writ petition, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent-Municipal Corporation to consider the representation of the petitioner dated 28-02-2005 and pass appropriate orders, in accordance with law, after affording due opportunity to the respondents 2 to 10 to rebut the allegations made by the petitioner, such exercise shall be completed as expeditiously as possible, preferably within a period of three weeks from the date of

receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 07-03-2005

LSK

To

1 Municipal Corporation of Hyderabad, rep., by its Commissioner, having Head Office at Tank Bund, Basheerbagh, Hyderabad.
2 Two C.D. copies.